

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # **23**

GLATZER

-v-

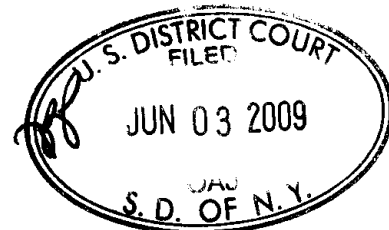
BARONE, et al

U.S.C.A. # _____

U.S.D.C. # 09 - cv - 0650

JUDGE : VM

DATE : June 03, 2009



NOTICE TO THE DOCKET CLERK

(2ND) SUPPLEMENTAL INDEX

The record in the above entitled case was indexed to the U.S.C.A. for the
Second Circuit on the 3RD Day of June, 2009.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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<u>2ND</u> SUPPLEMENTAL INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) : THOMAS R. PISARCZYK
 FIRM : U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
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NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION	DOC. #
1. <u>SUPPLEMENTAL CLERK'S CERTIFICATE</u>	<u>- -</u>
2. _____	_____
3. <u>** SEE ATTACHED DOCKET SHEET **</u>	_____
4. _____	_____
5. <u>** ONLY CIRCLED DOCUMENTS ARE SUPPLEMENTED **</u>	_____
6. _____	_____
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<u>2ND</u> SUPPLEMENTAL CLERK'S CERTIFICATE
--

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified extract of the docket entries and the original filed papers numbered _____ Through _____, inclusive, constitute the Supplemental record on appeal in the above entitled proceedings.

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 3RD Day of June In this year of our Lord, Two Thousand and Nine, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By _____

Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLATZER

-v-

BARONE, et al

U.S.C.A. # _____

U.S.D.C. # 09 - cv - 0650

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EXTRACT OF DOCKET ENTRIES

DATE

DOCUMENT DESCRIPTION

SUPPLEMENTAL CLERK'S CERTIFICATE

**** SEE ATTACHED DOCKET SHEET ****

**** ONLY CIRCLED DOCUMENTS ARE SUPPLEMENTED ****

J. MICHAEL McMAHON
CLERK OF COURT

BY

DL

APPEAL, CLOSED, PRO-SE

U.S. District Court
 United States District Court for the Southern District of New York (Foley Square)
 CIVIL DOCKET FOR CASE #: 1:09-cv-00650-VM
 Internal Use Only

Glatzer v. Barone et al
 Assigned to: Judge Victor Marrero
 Case in other court: US Court of Appeals, Second Circuit, 09-01905-cv
 Cause: 42:1983 Civil Rights Act

Date Filed: 01/22/2009
 Date Terminated: 03/30/2009
 Jury Demand: None
 Nature of Suit: 440 Civil Rights: Other
 Jurisdiction: Federal Question

Date Filed	#	Docket Text
01/22/2009	1	COMPLAINT against John A. Barone, Larry S. Schachner, Jonathan Lippman. (Filing Fee \$ 350.00, Receipt Number 676055) Document filed by Bernard H. Glatzer. (ama) (Entered: 01/28/2009)
01/22/2009		SUMMONS ISSUED as to John A. Barone, Larry S. Schachner, Jonathan Lippman. (ama) (Entered: 01/28/2009)
01/22/2009		CASE REFERRED TO Judge Kimba M. Wood as possibly similar to 1:05-cv-10113. (ama) (Entered: 01/28/2009)
01/23/2009	3	SUMMONS RETURNED EXECUTED Summons and Complaint served. John A. Barone served on 1/23/2009, answer due 2/13/2009. Service was accepted by Atty Jonathan Jacobs. Document filed by Bernard H. Glatzer. (dj) (Entered: 02/20/2009)
02/03/2009		CASE DECLINED AS NOT SIMILAR. Case referred as similar to 05-cv-10113 and declined by Judge Kimba M. Wood and returned to wheel for assignment. (rdz) (Entered: 02/06/2009)
02/03/2009	2	NOTICE OF CASE ASSIGNMENT to Judge Victor Marrero. (rdz) (Entered: 02/06/2009)
02/03/2009		Magistrate Judge Theodore H. Katz is so designated. (rdz) (Entered: 02/06/2009)
02/09/2009		Mailed notice ASSIGNMENT to the attorney(s) of record. (rdz) (Entered: 02/09/2009)
02/18/2009	4	SUMMONS RETURNED EXECUTED Summons and Complaint served. Jonathan Lippman served on 1/26/2009, answer due 2/17/2009. Service was accepted by personally upon Motions Clerk Ron Uzinski for immediate delivery to Deputy Clerk David Spokoni of the Appellate division First Dept. Document filed by Bernard H. Glatzer. (dj) (Entered: 02/20/2009)
02/18/2009	5	SUMMONS RETURNED EXECUTED Summons and Complaint served. Larry S. Schachner served on 1/28/2009, answer due 2/17/2009. Service was accepted by Chief Clerk Tracy Pardo of the Bronx County State Supreme Court. Document filed by Bernard H. Glatzer. (dj) (Entered: 02/20/2009)
02/26/2009	6	ENDORSED LETTER addressed to Judge Victor Marrero from Anthony Tomari dated 2/23/09 re: Request for a pre-motion conference in anticipation of a motion to vacate the Clerk's Certificate of Default. ENDORSEMENT: Request GRANTED. A status conference is scheduled for 3/13/09 at 1:45 pm to address the matter described above by defendants. (Status Conference set for 3/13/2009 at 01:45 PM before Judge Victor Marrero.) (Signed by Judge Victor Marrero on 2/25/09) (cd) (Entered: 02/26/2009)
03/09/2009	7	ENDORSED LETTER addressed to Judge Victor Marrero from Bernard H. Glatzer dated 3/9/09 re: Plaintiff Bernard H. Glatzer ("Glatzer"), Pro Se, respectfully requests the court's permission to supplement his Feb. 25, 2009 letter, pursuant to his then incomplete copy of Your Honor's Individual Practices sent to him by the clerk's office. ENDORSEMENT: requests Granted. A status conference herein is scheduled for 3/20/2009 at 4:00 to address the matter described above by plaintiffs. The Court will hear argument on defendant's motion to dismiss. PM before Judge Victor Marrero.) (Signed by Judge Victor Marrero on 3/9/09) (pl) (Entered: 03/10/2009)
03/12/2009	8	AFFIDAVIT of Bernard H. Glatzer in Support of Application for Certificate of Default. Document filed by Bernard H. Glatzer. (dj) (Entered: 03/12/2009)
03/16/2009	9	ENDORSED LETTER addressed to Judge Victor Marrero from Bernard H. Glatzer dated 3/15/2009 re: Plaintiff respectfully requests that the rescheduled pre-motion conference also include: plaintiff's proposed motion for a preliminary injunction under Fed.R. Civ. Proc. 65 to effectively stay defendant Justices Barone's and Schachner's orders including any appeals thereof, as previously requested in the complaint's third prayer for relief. ENDORSEMENT: Plaintiff's request for issuance of judgment by default in this matter is DENIED. The remaining matters may be addressed at the conference with the Court now rescheduled for 3/20/09 at 4:00 p.m. So Ordered. (Signed by Judge Victor Marrero on 3/16/2009) (jfe) (Entered: 03/16/2009)
03/20/2009		Minute Entry for proceedings held before Judge Victor Marrero: Status Conference held on 3/20/2009. Upon the defendant's motion, the Court dismissed the action. (mro) (Entered: 03/26/2009)
03/30/2009	10	ORDER: It is hereby ordered that the motion of defendants to dismiss the complaint of plaintiff Bernard Glatzer on the grounds set forth in their letter to the Court dated February 23, 2009 (Docket No.6) is GRANTED. The Clerk of Court is directed to withdraw any pending motions and to close this case. (Signed by Judge Victor Marrero on 3/30/2009) (jpo) (Entered: 03/30/2009)
03/30/2009		Transmission to Judgments and Orders Clerk. Transmitted re: 10 Order, to the Judgments and Orders Clerk. (jpo) (Entered: 03/30/2009)
03/30/2009	11	CLERK'S JUDGMENT That for the reasons stated in the Court's Order dated March 30, 2009, defendants' motion to dismiss the complaint is granted; accordingly, the case is closed and any pending motions are withdrawn. (Signed by J. Michael McMahon, clerk on 3/30/09) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 03/30/2009)
04/07/2009		Mailed notice of Right to Appeal to Pro Se Litigant(s): Bernard H. Glatzer. (jab) (Entered: 04/07/2009)
04/07/2009	12	ENDORSED LETTER: addressed to Judge Victor Marrero from Bernard H. Glatzer dated 4/7/09. re: Plaintiff Bernard H. Glatzer (Glatzer), Pro Se, respectfully responds to defendants' attorney's ("Tomari) Feb. 23, 2009 letter to Your Honor, a copy of which Glatzer received today. The letter's paragraph 2 is erroneous in its description of the factual events which resulted in Glatzer's filing of the Clerk's Certificate of Default on Feb 20, 2009 with the Orders and Judgments Clerk, who issued the Clerk's Certificate of Default the same day. All other provisions as set forth in this order. ENDORSEMENT: The Clerk of the Court is directed to file this letter in the public record of this action. So Ordered. (Signed by Judge Victor Marrero on 4/7/09) (js) Modified on 4/20/2009 (ae) (Entered: 04/07/2009)
04/07/2009	14	ENDORSED LETTER addressed to Judge Victor Marrero from Anthony J. Tomari dated 3/13/09 re: Counsel for defendants the Honorable John A. Barone; Larry S. Schachner, and Jonathan Lippman submit this supplemental pre-motion letter in response to plaintiff's letter of 3/9/09.

		ENDORSEMENT: The Clerk of Court is directed to file this letter in the public record of this action. (Signed by Judge Victor Marrero on 4/7/09) (tro) (Entered: 04/22/2009)
04/13/2009	<u>13</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Bernard Glatzer dated 3/26/09 re: The Court's refusal to allow an appropriate briefing schedule on the foregoing interrelated motions. ENDORSEMENT: The Court stated at the 3/20/09 conference that it would not consider defendants' 3/13/09 letter in view of plaintiff's denial of its receipt. In its memo-endorsed Order dated 3/15/09 the Court specifically denied plaintiff's request for entry of a default judgment, which presumes that the certificate of default was vacated. The Court indicated that all other matters would be heard at the 3/20/09 proceeding. (Signed by Judge Victor Marrero on 4/10/09) (cd) (Entered: 04/13/2009)
04/17/2009	<u>15</u>	NOTICE OF APPEAL from <u>11</u> Clerk's Judgment, <u>10</u> Order. Document filed by Bernard H. Glatzer. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 05/01/2009)
04/17/2009		Appeal Remark as to <u>15</u> Notice of Appeal filed by Bernard H. Glatzer. \$455.00 APPEAL FEE DUE. (tp) (Entered: 05/01/2009)
05/01/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>15</u> Notice of Appeal. (tp) (Entered: 05/01/2009)
05/01/2009		Transmission of Notice of Appeal to the District Judge re: <u>15</u> Notice of Appeal. (tp) (Entered: 05/01/2009)
05/01/2009	<u>16</u>	DECISION AND ORDER: For the reasons stated above it is hereby ORDERED that the motion of defendants Hon. John A. Barone, Hon. Larry S. Schachner and Hon. Jonathan Lippman (Docket No.6) to dismiss the complaint of plaintiff Bernard H. Glatzer herein is GRANTED, and that alternatively the complaint is dismissed on the Court's action. The Clerk of Court is directed to withdraw any pending motions and to close this case. (Signed by Judge Victor Marrero on 4/30/2009) (jpo) (Entered: 05/01/2009)
05/01/2009	<u>17</u>	Appeal Record Sent to USCA (Index). Notice that the Original index to the record on Appeal for <u>15</u> Notice of Appeal filed by Bernard H. Glatzer 3 Copies of the index, Certified Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp) (nd). (Entered: 05/05/2009)
05/01/2009		Appeal Record Sent to USCA (File). Indexed record on Appeal Files for <u>15</u> Notice of Appeal filed by Bernard H. Glatzer were transmitted to the U.S. Court of Appeals. (tp) (Entered: 05/05/2009)
05/07/2009		USCA Case Number 09-1905-cv from the US Court of Appeals, Second Circuit assigned to <u>15</u> Notice of Appeal filed by Bernard H. Glatzer. (nd) (Entered: 05/07/2009)
05/15/2009	<u>20</u>	AMENDED NOTICE OF APPEAL re: <u>15</u> Notice of Appeal, <u>11</u> Clerk's Judgment, <u>10</u> Order, <u>16</u> Order. Document filed by Bernard H. Glatzer. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 05/21/2009)
05/19/2009	<u>18</u>	ENDORSED LETTER addressed to Judge Victor Marrero from Bernard Glatzer dated 5/13/09 re: Request for a premotion conference re 5/1/09 order. ENDORSEMENT: The Clerk of Court is directed to enter the letter of plaintiff set forth above in the public file of this action. (Signed by Judge Victor Marrero on 5/15/09) (cd) (Entered: 05/19/2009)
05/20/2009	<u>19</u>	DECISION AND ORDER: For the reasons stated herein, it is hereby ORDERED that motion of plaintiff Bernard Glatzer for reconsideration (Docket No. 18) of the Court's Order dated March 30, 2009 and the Decision and Order dated 4/30/09 is DENIED. (Signed by Judge Victor Marrero on 5/19/09) (tro) (Entered: 05/20/2009)
05/21/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>20</u> Amended Notice of Appeal. (tp) (Entered: 05/21/2009)
05/21/2009		Transmission of Notice of Appeal to the District Judge re: <u>20</u> Amended Notice of Appeal. (tp) (Entered: 05/21/2009)
05/21/2009	<u>21</u>	First Supplemental ROA Sent to USCA (Index). Notice that the Supplemental Index to the record on Appeal for <u>20</u> Amended Notice of Appeal filed by Bernard H. Glatzer USCA Case Number 09-1905-cv, 3 Copies of the index, Certified Supplemental Clerk Certificate and Certified Docket Sheet were transmitted to the U.S. Court of Appeals. (tp) (nd) (Entered: 05/22/2009)
05/22/2009		First Supplemental ROA Sent to USCA (File). Supplemental Indexed record on Appeal Files for <u>20</u> Amended Notice of Appeal filed by Bernard H. Glatzer USCA Case Number 09-1905-cv, were transmitted to the U.S. Court of Appeals. (tp) (Entered: 05/22/2009)
05/26/2009	<u>22</u>	SECOND AMENDED NOTICE OF APPEAL re: <u>15</u> Notice of Appeal, <u>11</u> Clerk's Judgment, <u>19</u> Order. Document filed by Bernard H. Glatzer. Copies mailed to attorney(s) of record: Attorney General, NYS. (tp) (Entered: 06/01/2009)
05/26/2009		USCA Appeal Fee received \$ 455.00 receipt number E 688959 on 5/26/09 at 3:22:47 PM re: <u>22</u> Second Amended Notice of Appeal filed by Bernard H. Glatzer. (tp) (Entered: 06/01/2009)
06/01/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>22</u> Second Amended Notice of Appeal. (tp) (Entered: 06/01/2009)
06/01/2009		Transmission of Notice of Appeal to the District Judge re: <u>22</u> Second Amended Notice of Appeal. (tp) (Entered: 06/01/2009)